

United States District Court
For the Northern District of California

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7 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

12 Plaintiff,

No. CR 14-00306 WHA

13 v.

14 LUKE D. BRUGNARA,

15 Defendant.

**ORDER DENYING MOTION
FOR INJUNCTIVE RELIEF AND
TO STAY TRANSFER**

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18 In 2015, defendant Luke Brugnara was found guilty of wire fraud, mail fraud, false
19 declaration before a court, escape, and contempt. He is currently serving an 84-month sentence
20 on these counts. Proceeding *pro se*, Brugnara requests an “emergency stay/writ” of his transfer
21 to a facility in Beaumont, Texas, and seeks an order enjoining his transfer “to any United States
22 Prison (USP) in the [Bureau of Prisons]” pending resolution of his habeas corpus petition.
23 Brugnara states that USP Beaumont “is the most dangerous, violent prison in the BOP,” and that
24 his transfer there is retaliatory and denies him reasonable access to counsel (Dkt. Nos. 787, 859).

25 BOP has the discretion to place an inmate into “any available penal or correctional
26 facility that meets minimum standards of health and habitability established by the Bureau.” 18
27 U.S.C. § 3621(b). BOP may “at any time” direct a prisoner’s transfer from one such facility to
28 another. *Ibid.* In *United States v. Ceballos*, 671 F.3d 852, 855 (9th Cir. 2011) (citation omitted),
our court of appeals reiterated:

1 While a [district court] judge has wide discretion in determining the length and
2 type of sentence, the court has no jurisdiction to select the place where the
3 sentence will be served. Authority to determine place of confinement resides in
4 the executive branch of government and is delegated to the Bureau of Prisons.

5 Brugnara offers no legal support authorizing the district court to enjoin his transfer to
6 USP Beaumont or any other BOP facility. Brugnara's motion is **DENIED**.

7 **IT IS SO ORDERED.**

8 Dated: June 22, 2018.

9 
10 WILLIAM ALSUP
11 UNITED STATES DISTRICT JUDGE